

REMARKS:

Examiner Fortuna is thanked for the courtesy extended to the below signed attorney during the telephone interview of April 9, 2007 and the follow-up conversation on April 25, 2007. No prior art and no claim amendments were discussed during the telephone interview. Only claim 9 was discussed during the Interview. The principle arguments presented are included in the remarks below. No agreement was reached. However, the Examiner requested that the arguments be put in writing, and agreed to discuss the case with another Examiner and give Applicants' attorney a telephone call if necessary so that alternative claim language could be discussed.

In the outstanding Office Action, claims 9-22 were rejected under 35 U.S.C. §112, first paragraph, and the amendment of December 18, 2006 was objected to under 35 U.S.C. §132 (a), as introducing new matter into the disclosure. The language identified as being new matter is as follows: "the projections of the felt being formed by the stitching material." During the interview the Examiner explained that there is support in the original disclosure for using yarn to stitch the pattern, but that does not mean that the yarn forms the pattern. As best understood, it is the Examiner's position that the pattern could exist independently of the yarn, perhaps in another layer of material, and that the yarn could be used to stitch that material onto the felt to thus form the pattern on the felt. This rejection is respectfully traversed.

As explained during the interview, the original specification does support the concept that the projections and the pattern are formed by the stitching material itself. (All of the following quotes are from the original specification.) Page 3, lines 11-13, states that "the felt is produced with a design, such as a butterfly, embroidered or otherwise stitched into the raised pattern layer." Page 4, line 30, to page 5, line 4, states: "The carrier layer is preferably a non-woven material, such as a spunbond material, and has a raised pattern 8 stitched thereon. By 'raised' it is meant having a plurality of projections 9 which are stitched into the web-contacting surface of the carrier. The stitched projections may be arranged so as to form a design or pattern." Page 5, lines 30-31 state: "The pattern 8 is preferably stitched into the carrier. In an alternative embodiment, the pattern 8 in the carrier 3 is formed by embossing."

When the specification states that the pattern is stitched “into” the carrier, this clearly means that the stitching material must form the pattern. Also, Figures 1 and 2 show the projections 9 being formed by a stitching material that forms the pattern 8.

Discussing the examples (sample A of which was denoted as having regular butterfly pattern and some of which were denoted as having a 25% reduced butterfly pattern), page 8, lines 1-3, states: “All felts samples A-F have a ‘butterfly’ pattern stitched into the carrier. A butterfly pattern which has a 25% higher yarn density than used in felt sample A is termed ‘25% reduced.’” Since the butterfly is stitched into the carrier, and this “butterfly pattern” has a “25% higher yarn density”, the yarn must be making up the pattern. Since it is also clear that the pattern forms the projections, then it must follow that the yarn is making up the projections. Thus the original disclosure does support the phrase: “the projections of the felt being formed by the stitching material.”

The alternate explanation proposed by the Examiner, that the yarn is stitching some other layer that contains the pattern to the felt, would not be consistent with the above quoted language. One would not describe the Examiner’s proposed construction as having the pattern stitched *into* the carrier. Also, no such alternate construction is shown in the drawings. The drawings and above quoted text are only consistent with “the projections of the felt being formed by the stitching material.”

For the reasons given above, claim 9, and claims 10-22 dependent thereon, are supported by the original disclosure, and the amendment of December 18, 2006 does not involve new matter. Since there are no outstanding prior art rejections, and the

Section 112 rejection has been overcome, the case is in condition for allowance. An early notice to that affect is respectfully requested.

Respectfully submitted,

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